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PATENTS

Modified PTO 1083

For Other Than A Small Entity

Attorney Docket No. VPI/94-04CIP2DIV5

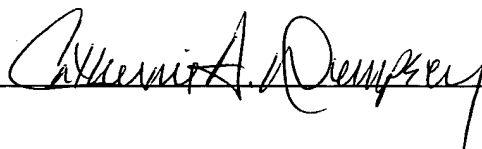
Examiner : David Lukton
Group : 1653
Applicants : Guy W. Bemis et al.
Appln. No. : 09/886,773 Confirmation No.: 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EV615578794US.

Date of Deposit February 18, 2005

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Mail Stop SEQUENCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.



Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
Mail Stop SEQUENCE

New York, New York
February 18, 2005

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [] a Preliminary Amendment; []
a Supplemental Amendment; [] a substitute Specification; [] a

Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; ☒ Corrected Reply to Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure; ☒ Statement to Support Filing and Submission in Accordance With 37 C.F.R. § 1.821-§ 1.825; ☒ a Computer Readable Copy of the Sequence Listing; ☒ a paper copy of the Sequence Listing (2 pages); to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	=	x	\$50	= \$ 0.00
INDEPENDENT CLAIMS	-	=	x	\$200	= \$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$360	= \$ 0.00
TOTAL					\$0.00

☐ A check in the amount of \$_____ in payment of the fee for additional claims is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

- ☐ Please charge \$ ___ to Deposit Account No. 06-1075 in payment of the fee for additional claims. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- ☐ The following extension fee is applicable to the Response filed herewith: ☐ \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,160.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$120.00 ☐ \$450.00 ☐ \$1,020.00 ☐ \$1,590.00 ☐ \$2,160.00 in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$120.00 ☐ \$450.00 ☐ \$1,020.00 ☐ \$1,590.00 ☐ \$2,160.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Michele A. Kercher

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EV615578794US

PATENTS
VPI/94-04 CIP2 DIV5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop SEQUENCE

CORRECTED REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID
SEQUENCE DISCLOSURE

Sir:

This is further to the January 19, 2005 and
January 21, 2005 telephone conferences with Examiner Lukton
concerning applicants' alleged failure to comply with the
requirements of the sequence rules in the above-identified
application.

Applicants made a good faith effort to respond to
the March 1, 2004 Notice to Comply with Requirements for

Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures by filing an April 1, 2004 Statement to Verify Content of Computer Readable Form Submission Under 37 C.F.R. § 1.821. Examiner Lukton, however, said that applicants' April 1, 2004 Statement could not be entered because the Sequence Listing referred to in that statement is not related to the above application.

Specifically, the April 1, 2004 Statement requested the transfer of the Sequence Listing from United States Application No. 08/828,941, filed March 28, 1997 (now United States Patent No. 5,973,111) in accordance with 37 C.F.R. § 1.821(e). However, Examiner Lukton said that such transfer could not be done because applicants did not list United States Application No. 08/828,941 in the "Continuity Information" of the Application Data Sheet when the above application was originally filed.

Applicants have, therefore, submitted the enclosed computer readable copy of the Sequence Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825, and a paper copy of the Sequence Listing. This corrects any procedural defects that may have been present in the April 1, 2004 filing, which certainly had the intention of presenting this very same Sequence Listing in this application.

Applicants request consideration of this Sequence Listing and associated papers. The January 2005 telephone calls with Examiner Lukton were the first notice to applicants or their agents that applicants' April 2004 response was potentially defective. This Corrected Reply is filed within 30 days of the earliest of those calls. Applicants apologize to Examiner Lukton and the United States Patent and Trademark Office for any inconvenience their original Reply to the Notice to Comply may have caused.

Applicants do not believe any additional charge is due at this time. However, the Director is authorized to charge any additional fees that may be due to Deposit Account No. 06-1075. A duplicate copy of this Corrected Reply is enclosed herewith.

Michele A. Kercher

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